

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION**

William Hebert,

Plaintiff,

v.

Wal-Mart Stores, Inc.,

Defendant.

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: Civil Action No.: 3:13-cv-00440
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**AGREED MOTION FOR LEAVE TO FILE
PLAINTIFF'S FIRST AMENDED COMPLAINT**

Pursuant to Fed. R. Civ. P. 15(a)(2), Plaintiff, William Hebert, and Defendant, Wal-Mart Stores, Inc., hereby respectfully request the Court's leave to file Plaintiff's First Amended Complaint, a copy of which is attached hereto as Exhibit A. In support, the parties state as follows:

1. On December 4, 2013, Plaintiff filed the Complaint in this action. (Dkt. No. 1).
2. On January 2, 2014, Defendant filed an Answer to Plaintiff's Complaint. (Dkt. No. 6).
3. Plaintiff has recently determined that GE Capital Retail Bank is the proper defendant in this action.

WHEREFORE, the parties respectfully requests that the Court allow Plaintiff to file his First Amended Complaint (Exhibit A), which names GE Capital Retail Bank as the correct defendant in this case.

Dated: February 11, 2014

By /s/ Jody B. Burton

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CERTIFICATE OF SERVICE

This is to certify that, on February 11, 2014, the foregoing was filed with the Clerk of Court for the United States District Court for the Southern District of Texas using the CM/ECF system, which sent notice of such filing to the following:

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/s/ Jody B. Burton
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